UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

08 SEP 2005

Art Yonkey
Planning and Project Development Engineer
Nebraska Department of Roads
1500 Nebraska Highway 2
Lincoln, NE 68509

Dear Mr. Yonkey:

RE: Review of Draft Environmental Impact Statement for the Plattsmouth Bridge Study, Cass County, Nebraska, and Mills County, Iowa, Project Number – DPS-34-7(114)

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the Plattsmouth Bridge Study. Our review is provided pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4231, Council on Environmental Quality (CEQ) regulations 40 C.F.R. Parts 1500-1508, and Section 309 of the Clean Air Act (CAA). The DEIS was assigned the Council on Environmental Quality (CEQ) number 20050306.

Based on our overall review and the level of our comments, the EPA has rated the Draft Environmental Impact Statement for this project EC-2 (Environmental Concerns - Insufficient Information). A copy of EPA's rating descriptions is provided as an enclosure to this letter.

This EC- 2 rating is based on insufficient information regarding wetland and floodplain impacts. The DEIS currently estimates the wetland and floodplain impacts prior to a formal wetland delineation for the project. We request that the Final EIS include the formal wetland delineation information, quantify the floodplain and stream impacts, and identify the appropriate mitigation for these impacts. EPA recommends that the refined quantities be evaluated for "significance" within the context of cumulative impacts to waters of the U.S. within the watershed that comprises the study area.

The following comments are offered to address and minimize potential environmental impacts of the project:

Existing Bridge

We recommend that the Final EIS (FEIS) include a thorough discussion of the fate of the existing bridge. The major environmental concern relates to deteriorating lead paint on the existing bridge and the potential for contamination at the existing location, during removal and in the new location, if relocated. Removal of lead based paint for any purpose, (i.e. to provide

access for torch demolition or rivet removal) may generate waste that could be regulated under the Resource Conservation and Recovery Act (RCRA). To determine the applicability of RCRA for this project, we recommend contacting the Nebraska Department of Environmental Quality at (402) 471-2186 and the Iowa Department of Natural Resources at (515) 281-5918.

Noise

Please clarify the reference to noise reduction benefits for the build alternatives. Currently, Section 4.10 – Noise, indicates that the build alternatives would provide a noise reduction benefit compared to the no-build condition and that future traffic and noise levels along U.S. 34 through Plattsmouth would be lower than if the Project were not built. These statements seem misleading, since it appears that the noise impacts are reduced only because the receivers are proposed for relocation and not because the noise levels will actually be lower in the project area.

Water Quality

We recommend updating Section 4.11, "Water Quality" with the 2004 listing (the DEIS currently references the 2002 list). The Missouri River has been removed from the Iowa list in the project study area, but Keg Creek still remains on the list.

Please clarify that NPDES permits are required for all construction sites with greater than one acre of disturbance. Section 4.22.6 – Water Quality, states that to address water quality concerns during construction, a NPDES permit **could** be obtained. Applicable permit requirements can be determined by contacting the Nebraska Department of Environmental Quality and the Iowa Department of Natural Resources.

As recommended above, water quality impacts should also be addressed in the cumulative effects section of the document. More discussion related to this issue is included in the cumulative effects comment.

Waterways

We recommend analyzing and quantifying the potential impacts to waterways in the Final EIS. On all tributary water crossings, bridges are preferred over culverts. If any culverts are used, we recommend that the structures be passable by aquatic organisms at low flows. Culverts should be embedded so that the culvert bottom simulates the stream bottom and ties in both up and down stream so that there is no change in the stream bottom elevation. Culverts should not cause damming or pooling. When designing aquatic organism passages, the following biological variables should be considered; species present, life stages to be impacted, and migration timing of affected species/life stages. Mitigation for stream impacts should also be identified in the Final EIS. Mitigation should be in-kind; stream for stream, wetland for wetland, and floodplain for floodplain. Clear and separate tracking for each specific resource should be provided.

Wetlands

We recommend further analysis of wetland impacts and potential mitigation sites in the immediate project area. For the Iowa wetland impacts, it would be beneficial to place any wetland mitigation sites in the upper reaches of the Keg Creek watershed. This stream is on the 303(d) list and strategically restoring wetlands in the watershed could help to improve the stream's water quality. In addition, we would appreciate an opportunity to review the final mitigation plan when it is developed.

Floodplains

We recommend further analysis of the floodplain impacts and potential mitigation for this project to be included in the final EIS. In the case that floodplain "no-rise" mitigation is required; we recommend that areas with hydric soils which are not currently wetlands be excavated to a depth of no greater than 18 inches. This will increase the potential for a number of acres of wetlands to be created. We encourage these efforts to be conducted within the floodplain where the most water quality and habitat benefits can take place. Cropland areas are preferred over removing forested vegetation and bank notching is acceptable if it opens up an area not normally flooded to create the potential for wetlands. Floodplain impacts should also be included in the cumulative impacts analysis.

Cumulative Impacts

We recommend including quantifiable information from the reasonable foreseeable projects in the cumulative impacts analysis. Section 4.25 – Cumulative Impacts, lists several reasonable foreseeable projects that would occur in the Project Study Area, but only analyzes the impacts for Alternatives 2 and 3 as proposed for Plattsmouth Bridge project. NEPA documents are available for many of the listed projects. Each document identifies quantifiable project impacts, such as farmland, wetlands, floodplain, streams, etc. Including the available information from each of the projects would assist in the determination of cumulative impact significance.

We also recommend including impacts to wetland, streams, and floodplains in the cumulative impacts analysis. Development in the study area will increase the percentage of impervious land cover which reduces infiltration and increases storm water runoff. Increased storm water runoff can affect wetland functions, water quality, stream flows and increase flooding. Impacts to floodplains will amplify the potential for flooding. If the cumulative impacts analysis shows significant cumulative impacts, mitigation factors should be considered for the study area.

We appreciate the opportunity to provide comments regarding this project and your DEIS. If you have any questions or concerns, please contact me at (913) 551-7975.

Sincerely,

U. Gale Hutton
Director
Environmental Services Division

Enclosure

cc: Steve Anschutz, U.S. Fish and Wildlife Service, Grand Island, NE

Draft Environmental Impact Statement Rating Definitions

Environmental Impact of the Action

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.